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09/749,480	12/26/2000	Peter J. Kennedy	6169-141	4365

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EXAMINER
NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/749,480	KENNEDY ET AL.
	Examiner	Art Unit	
	Kimnhung Nguyen	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed on 7/14/05*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12 and 14-25* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-12 and 14-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. The claims 1, 3-12, 14-25 are pending. The

examination results are as following.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1, 3, 5-6, 8-12, 14, 16-17, 19-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dorfman et al. (US 6,029,214) in view of Murphy (US 6,411,283).

Regarding claims 1, 11, 12, Dorfman et al. discloses in fig. 6-8, a computer based system

having a touchscreen, a method for distinguishing between finger contact (132) and stylus

contact (130, see col. 3, lines 57-65, see col. 13, lines 15-44) comprising detecting contact with

said touch screen (see col. 7, lines 17-30); generating contact information specifying a size of the

detected contact with the touchscreen (see col. 10, lines 23-64); comparing the contact

information corresponding to said detected contact with contact criteria (see col. 13, lines 15-25,

because the differentiate implying that the difference between two types is found and thus they

were compared to your critical) the specifying a threshold contact size, and based on the

comparing of the contact information, determining a contact type from a set of contact types

including a finger contact and a stylus contact was initiated by a finger or stylus (see fig. 4, 6E-

6F). However, Dorfman et al. does not disclose automatically implementing at least one

procedure selected from a group of offsetting an on-screen pointer a predetermined distance from the detected contact. Murphy discloses in fig. 7, the computer touch screen (100) having offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact (see col. 6, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact as taught by Murphy into the computer system of Dorfman et al. because this would provide to the user an icon or other feature adjacent the edge of the screen to be more easily selected.

Regarding claim 3, Dorfman et al. discloses that the method, wherein said determined step comprises for said contact in formation consistent with said criteria corresponding to said finger contact, interpreting said detected contact as finger contact; and responsive to the detecting step, implementing different visual interfaces within the touchscreen for finger contact and for stylus contact (see col. 11, lines 37-67).

Dorfman et al. does not disclose further an offsetting an on-screen pointer a predetermined distance from said detected contact. Murphy discloses in fig. 7, the computer touch screen (100) having offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact (see col. 6, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact as taught by Murphy into the computer system of Dorfman et al. because this would provide to the user an icon or other feature adjacent the edge of the screen to be more easily selected.

Regarding claims 6, 17-18, Dorfman et al. discloses that the method further comprising detecting the duration of said contact (see col. 7, lines 16-43), or between the contact and second contact (see col. 7, lines 16-43).

Regarding claims 8-9, 19-20, Dorfman et al. discloses that the method, further comprising displaying an activated point in said touchscreen beneath said detect contact (see tactile, feedback, see col. 6,lines 61-67), and a converting pointer control information to text (see fig. 6E).

Regarding claims 10 and 21, Dorfman et al. discloses that the method, further comprising based on said determining step, presenting a visual interface in said touchscreen corresponding to visual interface in said touchscreen corresponding to said stylus contact (see col. 6, lines 51-67).

Regarding claims 12, Dorfman et al. discloses in fig. 4 that a machine readable storage having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine to perform the steps of detecting contact with a touchscreen (see abstract); generating contact information specifying a size of said detected contact with said touchscreen; comparing said contact information corresponding to said detected contact with contact criteria (see col. 11, lines 16-24), said contact criteria specifying a threshold contact size; and based on said comparing of said contact information, determining whether said contact was initiated by a finger or stylus (see fig. 4, 6E-6F).

Regarding claim 14, Dorfman et al. discloses that the machine readable storage further comprises the step of for contact information consistent with said criteria corresponding to said finger contact, interpreting said detected contact as a finger contact (see col. 11, lines 37-67).

Regarding claims 22-23, Dorfman et al. discloses that the method, further comprising performing at least one programmatic action according to said determining step (see fig. 4).

Regarding claims 24-25, Dorfman et al. discloses that wherein the touchscreen is based upon a pressure stimulus, and wherein the detecting step is dependent in part upon an amount of pressure applied to the touchscreen (see fig. 6E).

3.   Claims 4,7, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfman et al. (US 6,029,214) in view of Murphy (US 6,411,283) and in view of Thompson-Rohrlich (US 5,677,710).

Regarding claims 7, 18, Dorfman et al. and Murphy do not disclose an occurrence of a double-click event based upon whether the first contact and the second contact are each of a particular duration and whether the first contact and the second contact occur within a particular time frame of each other. Thompson-Rohrlich discloses a system having an occurrence of a double-click event based upon whether the first contact and the second contact are each of a particular duration (see col. 10,lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of a double-click event based upon whether the first contact and the second contact are each of a particular duration as taught by Thompson-Rohrlich into the system of Dorfman et al. and Murphy because this would set the state of the modifier button had been clicked one or more than twice at the step of program and highlights the button on the computer screen to indicate the set state.

Regarding claim 4 and 15, Dorfman et al. and Murphy do not disclose automatically enabling handwriting recognition software. Thompson-Rohrlich discloses a system having enabling handwriting recognition software (see col. 7, lines 43-45). It would have been obvious

to one of ordinary skill in the art at the time the invention was made to implement the using of

recognition software as taught by Thompson-Rohrlich into the system of Dorfman et al. and

Murphy because this would indicate the keypad in a command and provide to the user to receive

quick visual feed on the character that the CPU recognized.

Response To Arguments

3.   Applicant's arguments with respect to claims 1, 3-12, 14-25 have been considered but are

moot in view of the new ground(s) of rejection.

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Corresponding

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is 703-308-0425. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (703) 308-6725. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen
September 30, 2005

ALEXANDER EISEN
PRIMARY EXAMINER
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